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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,234	03/26/2001	Yuichi Kimikawa	Q63639	8731

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER	
PATEL, GAUTAM	
ART UNIT	PAPER NUMBER

2655

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,234

Applicant(s)

KIMIKAWA, YUICHI

Examiner

Gautam R. Patel

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4-7 and 13-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-12 & 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This is in response to amendment filed on 6-7-05.
2. Claims 1-3, 8-12 and 17 remain for examination. Claims 4-7 and 13-16 were withdrawn from the consideration.
3. Applicant's arguments regarding objection of claims 2 and 11 have been fully considered and objection of claims 2 and 11 has been withdrawn.

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-12 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dakin et al., US. patent 4,375,091 (hereafter Dakin).

As to claim 1, Dakin discloses the invention as claimed, a carriage servo apparatus [see Figs. 1-6, especially 1-3] including a drive signal detecting device and a setting device, comprising:

a drive signal detecting device [fig. 1, unit 52] for detecting a minimum value [fig. 3, signal S₄] of said drive signal required for moving the carriage device [fig. 1, unit 24] from a still state thereof [col. 5, line 63 to col. 6, line 48 & col. 8, line 59 to col. 9, line 11]; and

a setting device [fig. 1, unit 52] for setting said drive signal based on said detected minimum value when the information is recorded or reproduced [col. 5, line 63 to col. 6, line 48 & col. 8, line 59 to col. 9, line 11].

5. The aforementioned claim 2, recites the following elements, inter alia, disclosed in Dakin:

an applying device [fig. 1, unit 60] for applying said set drive signal to said moving device, when a value of an error signal indicating displacement of an emission position of said light beams relative to said information track is equal to or greater than a threshold set based on said minimum value [col. 6, line 22 to col. 7, line 2; col. 7, lines 34-53 and col. 8, lines 17-30].

6. The aforementioned claim 3, recites the following elements, inter alia, disclosed in Dakin:

a stillness detecting device [fig. 1, unit 50 & 32; col. 4, lines 55-65] for detecting whether or not said carriage device is still [fig. 2, STOP signal] [col. 9, lines 12-30]; and

a minimum drive signal applying device [fig. 1, unit 52] for, while changing a value of said drive signal in a state in which the carriage device is still, applying the drive signal to said moving device [col. 5, line 63 to col. 6, line 38], the drive signal value applied when said stillness detecting device detects start of movement of said carriage device due to the applying of said drive signal is defined as said minimum value [col. 6, line 4 to col. 7, line 2 and fig. 3].

NOTE: When motion is changed from forward to backward unit inherently has to detect stillness [or STOP signal].

7. The aforementioned claim 8, recites the following elements, inter alia, disclosed in Dakin:

said setting device sets said error signal having a value equal to or greater than said threshold as said drive signal, and wherein said applying device applies said error signal set as the drive signal to said moving device [col.7, lines 34-53; col. 8, line 17-58].

8. The aforementioned claim 9, recites the following elements, inter alia, disclosed in Dakin:

a carriage servo apparatus [fig. 1, units 52, 60, 28 76 etc.] employed for reproduction of the information recorded on the information recording face [col. 5, line 63 to col. 6, line 48]; and

a reproduction device [fig. 1, unit 14] [col. 4, lines 30-65];

a carriage device [fig. 1, unit 24] for supporting a pickup device [fig. 1, unit 18] for recording or reproducing information relevant to an information recording face [col. 4, lines 30-65];

a moving device [fig. 1, unit 28] for moving the carriage device in direction parallel to said information recording face based on a drive signal [col. 4, lines 30-65];

a drive signal detecting device [fig. 1, unit 52] for detecting a minimum value [fig. 3, signal S₄] of said drive signal required for moving the carriage device [fig. 1,

unit 24] from a still state thereof [col. 5, line 63 to col. 6, line 48 & col. 8, line 59 to col. 9, line 11]; and

a setting device [fig. 1, unit 52] for setting said drive signal based on said detected minimum value when the information is recorded or reproduced [col. 5, line 63 to col. 6, line 48 & col. 8, line 59 to col. 9, line 11]; and

wherein said reproduction device is for reproducing said recorded information based on a detection signal from said pickup device, said detection signal corresponding to the information [col. 5, line 63 to col. 6, line 48 & col. 8, line 59 to col. 9, line 11].

9. As to claims 10-12 and 17, they are method claims corresponding to claims 1-3 and 8 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 1-3 and 8 respectively, supra.

Dakin was cited as prior art reference in previous paper.

10. Applicant's arguments filed on 6-7-05 have been fully considered but they are not deemed to be persuasive for the following reasons.

In the REMARKS, the Applicant argues as follows:

A) That: "Applicants respectfully disagrees. Dakin does not disclose or suggest that the carriage controller 52 detects a minimum value of a drive signal required for moving the carriage 24 from a still state thereof, ... Moreover, Dakin fails to disclose or suggest that S4 corresponds to a minimum value of a drive

signal required for moving the carriage from a still state thereof, as further required by claim 1" [page 13, paragraph 3; REMARKS].

FIRST: Dakin detects total of eight values four for forward direction and four for reverse direction [see fig. 3, value marked S1 to S4 up and down]. And one of ordinary skill in the art knows that the carriage has to start from the stand stills state as all carriages are at stand still before the recording and/or reproducing starts and they have to be moved.

SECOND: Now the question is if S4 is indeed minimum value or not. It seems there is problem of semantics here. Now it is very clear in Dakin that the signal S1 is the fastest [col.7, lines 40-44]. Gradually signals getting smaller until S4 is reached. to the extent claimed. indeed, signal S4 is the "minimum signal" as compared to signal S1.

B)That; "contrary to grounds of rejection, the drive signal required for moving the carriage 24 from a still state thereof, as claimed. In stark contrast, Dakin explicitly discloses that the drive signal "...S4, corresponds to the normal play speed of the video disc player which results in translation of carriage 24 ..." [page 15, paragraph 2; REMARKS].

FIRST: See paragraph 10, section A) above.

SECOND: This term "minimum" is a relative term. One must define minimum with respect to what? In addition, as explained above as compared to signal S1, signal S4 is indeed minimum. To give another example, at my grocery store the eggs are sold as large to extra large and jumbo. However, the so called "large" eggs are

smallest available eggs, making them "minimum size" even though they are called "large". Therefore, within those parameters and within that context the signal S4 is indeed minimum.

11. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is 703-872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young can be reached on (571) 272-7582.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.


GAUTAM R. PATEL
PRIMARY EXAMINER

Gautam R. Patel
Primary Examiner
Group Art Unit 2655

August 7, 2005